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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION
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17 BMG MUSIC, a New York general
18 partnership; MAVERICK RECORDING
19 COMPANY, a California joint venture;
20 UMG RECORDINGS, INC., a Delaware
21 corporation; CAPITOL RECORDS, INC.,
22 a Delaware corporation; ARISTA
23 RECORDS LLC, a Delaware limited
24 liability company; WARNER BROS.
RECORDS INC., a Delaware corporation;
and SONY BMG MUSIC
ENTERTAINMENT, a Delaware general
partnership,

25 Plaintiff,

26 v.

27 ROBERT CHESTNUT,
28 Defendant.

CASE NO. CV06-2444 RSWL (Ex)

Honorable Ronald S. W. Lew

ORDER AND JUDGMENT

1
2 Having considered Plaintiffs' Motion for Summary Judgment, and after
3 considering the opposition papers, arguments of counsel and all other matters
4 presented to the Court, IT IS HEREBY ORDERED THAT Plaintiffs' Motion is
5 GRANTED. IT IS FURTHER ORDERED AND ADJUDGED that:

6 1. Plaintiffs served Defendant with Plaintiffs' First Request for Admissions
7 on August 17, 2007. Plaintiffs served Defendant with Plaintiffs' Second Set of
8 Requests for Admissions and accompanying Schedule 1 on January 16, 2008.
9 Defendant failed to respond to Plaintiffs' First Request for Admissions and Plaintiffs'
10 Second Request for Admissions within thirty (30) days of service thereof. The
11 matters contained in Plaintiffs' First and Second Requests for Admissions are
12 admitted and conclusively established pursuant to Federal Rule of Civil Procedure
13 36(b).

14 2. Plaintiffs seek the minimum statutory damages of \$750 per infringed
15 work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the
16 twenty-six (26) sound recordings listed in Exhibit A to Plaintiffs' Complaint and
17 Schedule 1 to Plaintiffs' Second Request for Admissions. Accordingly, Defendant
18 Robert Chestnut ("Defendant") shall pay damages to Plaintiffs for infringement of
19 Plaintiffs' copyrights in the Sound Recordings listed in Exhibit A to the Complaint
20 and Schedule 1 to Plaintiffs' Second Request for Admissions, in the total principal
21 sum of Nineteen Thousand Five Hundred Dollars (\$19,500.00).

22 3. Defendant shall further pay Plaintiffs' costs of suit herein in the amount
23 of Four Hundred Ninety Dollars (\$490.00).

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1 4. Defendant shall be and hereby is enjoined from directly or indirectly
2 infringing Plaintiffs' rights under federal or state law in the following copyrighted
3 sound recordings:

- 4 • "Runnin' With the Devil," on album "Van Halen," by artist "Van Halen"
5 (SR# 239);
- 6 • "Brown Eyed Girl," on album "Songs from an American Movie - Vol. 1,
7 Learning How to Smile," by artist "Everclear" (SR# 284-811);
- 8 • "Ms. Jackson," on album "Stankonia," by artist "Outkast" (SR# 306-
9 741);
- 10 • "Heart of Glass," on album "Parallel Lines," by artist "Blondie" (SR# 4-
11 090);
- 12 • "Fake Plastic Trees," on album "The Bends," by artist "Radiohead" (SR#
13 280-260);
- 14 • "Pour Some Sugar on Me," on album "Hysteria," by artist "Def Leppard"
15 (SR# 90-420);
- 16 • "Goodbye to You," on album "The Spirit Room," by artist "Michelle
17 Branch" (SR# 303-732);
- 18 • "Everything You Want," on album "Everything You Want," by artist
19 "Vertical Horizon" (SR# 277-868);
- 20 • "Santa Monica," on album "Sparkle And Fade," by artist "Everclear"
21 (SR# 279-015);
- 22 • "Caress Me Down," on album "Sublime," by artist "Sublime" (SR# 224-
23 105);
- 24 • "Betterman," on album "Vitalogy," by artist "Pearl Jam" (SR# 206-558);
- 25 • "Staring at the Sun," on album "Americana," by artist "The Offspring"
26 (SR# 264-015);
- 27 • "Sweet Child O' Mine," on album "Appetite for Destruction," by artist
28 "Guns N Roses" (SR# 85-358);

- 1 • “Ordinary Day,” on album “Be Not Nobody,” by artist “Vanessa
- 2 Carlton” (SR# 313-943);
- 3 • “Can’t Stop,” on album “By The Way,” by artist “Red Hot Chili Peppers”
- 4 (SR# 316-878);
- 5 • “Crash Into Me,” on album “Crash,” by artist “Dave Matthews Band”
- 6 (SR# 212-572);
- 7 • “Iris,” on album “Dizzy Up the Girl,” by artist “Goo Goo Dolls” (SR#
- 8 246-538);
- 9 • “Poundcake,” on album “For Unlawful Carnal Knowledge,” by artist
- 10 “Van Halen” (SR# 132-417);
- 11 • “2+2=5 (The Lukewarm.),” on album “Hail to the Thief,” by artist
- 12 “Radiohead” (SR# SRu494-560);
- 13 • “Yesterday,” on album “II,” by artist “Boyz II Men” (SR# 196-004);
- 14 • “Ironic,” on album “Jagged Little Pill,” by artist “Alanis Morissette”
- 15 (SR# 213-545);
- 16 • “The Tourist,” on album “OK Computer,” by artist “Radiohead” (SR#
- 17 330-613);
- 18 • “Creep,” on album “Pablo Honey,” by artist “Radiohead” (SR# 190-976);
- 19 • “Sonny,” on album “Sticks and Stones,” by artist “New Found Glory”
- 20 (SR# 308-874);
- 21 • “Even Flow,” on album “Ten,” by artist “Pearl Jam” (SR# 137-787);
- 22 • “Undone (The Sweater Song),” on album “Weezer,” by artist “Weezer”
- 23 (SR# 187-644).

24 and in any other sound recording, whether now in existence or later created, that is
 25 owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record
 26 label of Plaintiffs) (“Plaintiffs’ Recordings”), including without limitation by using
 27 the Internet or any online media distribution system to reproduce (i.e., download) any
 28 of Plaintiffs’ Recordings, to distribute (i.e., upload) any of Plaintiffs’ Recordings, or

1 to make any of Plaintiffs' Recordings available for distribution to the public, except
2 pursuant to a lawful license or with the express authority of Plaintiffs. Defendant
3 shall also destroy all copies of Plaintiffs' Recordings that defendant has downloaded
4 onto any computer hard drive or server without Plaintiffs' authorization and shall
5 destroy all copies of those downloaded recordings transferred onto any physical
6 medium or device in Defendant's possession, custody, or control.

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9 DATED: May 13, 2008

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12 HONORABLE RONALD S.W. LEW
13 Senior U.S. District Judge
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